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17-2-2000

IN THE HIGH COURT OF KARNATAKA AT BANGALORE  
DATED THE 1ST DAY OF APRIL 1998

BEFORE

THE HON'BLE MR. JUSTICE H.N. NARAYAN  
CIVIL REVISION PETITION NO.942/1998

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Jagannath s/o Honnappa Shet,  
Major, Occ: Retired Government Servant,  
R/o Markwad, Tq: Haliyal, Dist: U.K.

...PETITIONER

(By Sri.R. B.Deshpande, Adv. for petr.)

- vs -

Nagamohan, s/o Nanjund Shetty, Davanagere,  
Major, Occ: Agriculturist,  
R/o Murkawada village,  
Tq: Haliyal, Dist: Uttara Kannada.

...RESPONDENT

Civil Revision Petition is filed u/s  
115 of CPC against the order dated 31-1-1998

..2...

passed in O.S.No. 6/1996 on the file of the Civil Judge, (Jr.Dn.) Haliyal.

This Civil Revision Petition coming on for ADMISSION this day, the court made the following: -

O R D E R

Notice is dispensed with in view of the trivial matter involved.


2. The trial Court has rejected I.A.XVI filed by the defendant's counsel under Order 18 rule 17A CPC requesting the trial Court to recall PW 1 to 3 for cross examination. Some reasons were assigned by the defendant for not cross examining the witnesses. The trial Court has dismissed the said application on the ground that the defendant was not diligent in prosecuting the same. Though he was present before the Court, he did not pray for time to cross examine the witnesses etc.

.. 3 ..

3. This order is made in a suit filed in the year 1996. The trial Court should exercise its discretion in such matters without prejudice to the parties. It has unnecessarily driven the party to come to the High Court. Therefore, this is not a case where the court has exercised its discretion properly. Revision is, therefore, allowed. The defendant is permitted to cross examine PW<sub>1</sub> to 3 on payment of a cost of Rs. 250/-.

Sd/-  
JUDGE

T.BY: BY


C.BY: 

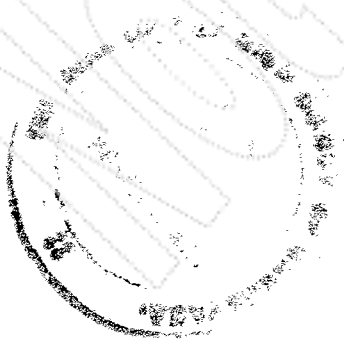
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Assistant Registrar  
High Court of Karnataka  
Bangalore-560 001

  
25/5/98



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